

JOSIE DELVIN
BENTON COUNTY CLERK

MAY 17 2023

FILED



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CIVIL
BENTON COUNTY SUPERIOR COURT
Case Information Cover Sheet (CICS)

Case Number 23-2-06940-03 Case Title Jamie Bailey v QualiCenters Inland Northwest, LLC d/b/a FMC Columbia Basin, d/b/a Fresenius Kidney Care

Attorney Name Adam R. Pechtel Bar Membership Number 43743

Please check one category that best describes this case for indexing purposes. Accurate case indexing not only saves time in docketing new cases, but helps in forecasting needed judicial resources. Cause of action definitions are listed on the back of this form. Thank you for your cooperation.

- | | |
|--|--|
| <input type="checkbox"/> ABJ Abstract of Judgment | <input type="checkbox"/> PRG Property Damage – Gangs |
| <input type="checkbox"/> ALR Administrative Law Review | <input type="checkbox"/> PRP Property Damages |
| <input type="checkbox"/> ALRJT Administrative Law Review-Jury Trial (L&I) | <input type="checkbox"/> QTI Quiet Title |
| <input type="checkbox"/> CHN Non-Confidential Change of Name | <input type="checkbox"/> RDR Relief from Duty to Register |
| <input type="checkbox"/> COL Collection | <input type="checkbox"/> RFR Restoration of Firearm Rights |
| <input type="checkbox"/> CON Condemnation | <input type="checkbox"/> SDR School District-Required Action Plan |
| <input type="checkbox"/> COM Commercial | <input type="checkbox"/> SPC Seizure of Property-Commission of Crime |
| <input type="checkbox"/> DOL Appeal Licensing Revocation | <input type="checkbox"/> SPR Seizure of Property-Resulting from Crime |
| <input type="checkbox"/> DVP Domestic Violence | <input type="checkbox"/> STK Stalking Petition |
| <input type="checkbox"/> EOM Emancipation of Minor | <input type="checkbox"/> SXP Sexual Assault Protection |
| <input type="checkbox"/> FJU Foreign Judgment | <input type="checkbox"/> TAX Employment Security Tax Warrant |
| <input type="checkbox"/> FOR Foreclosure | <input type="checkbox"/> TAX L & I Tax Warrant |
| <input type="checkbox"/> FPO Foreign Protection Order | <input type="checkbox"/> TAX Licensing Tax Warrant |
| <input type="checkbox"/> HAR Unlawful Harassment | <input type="checkbox"/> TAX Revenue Tax Warrant |
| <input type="checkbox"/> INJ Injunction | <input type="checkbox"/> TMV Tort – Motor Vehicle |
| <input type="checkbox"/> INT Interpleader | <input type="checkbox"/> TRJ Transcript of Judgment |
| <input type="checkbox"/> LCA Lower Court Appeal – Civil | <input type="checkbox"/> TTO Tort – Other |
| <input type="checkbox"/> LCI Lower Court Appeal – Infractions | <input type="checkbox"/> TXF Tax Foreclosure |
| <input type="checkbox"/> LUPA Land Use Petition Act | <input type="checkbox"/> UND Unlawful Detainer – Commercial |
| <input type="checkbox"/> MAL Other Malpractice | <input type="checkbox"/> UND Unlawful Detainer – Residential |
| <input type="checkbox"/> MED Medical Malpractice | <input type="checkbox"/> VAP Vulnerable Adult Protection Order |
| <input type="checkbox"/> MHA Malicious Harassment | <input type="checkbox"/> VVT Victims of Motor Vehicle Theft-Civil Action |
| <input checked="" type="checkbox"/> MSC2 Miscellaneous – Civil | <input type="checkbox"/> WDE Wrongful Death |
| <input type="checkbox"/> MST2 Minor Settlement – Civil (No Guardianship) | <input type="checkbox"/> WHC Writ of Habeas Corpus |
| <input type="checkbox"/> PCC Petition for Civil Commitment (Sexual Predator) | <input type="checkbox"/> WMW Miscellaneous Writs |
| <input type="checkbox"/> PFA Property Fairness Act | <input type="checkbox"/> WRM Writ of Mandamus |
| <input type="checkbox"/> PIN Personal Injury | <input type="checkbox"/> WRR Writ of Restitution |

IF YOU CANNOT DETERMINE THE APPROPRIATE CATEGORY, PLEASE DESCRIBE THE CAUSE OF ACTION BELOW.

Employment

Please Note: Public information in court files and pleadings may be posted on a public Web site.

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BENTON COUNTY CLERK

MAY 17 2023

FILED

 COPY

In the Superior Court of the State of Washington
In and For Benton County

Jamie Elaine Bailey,)	
Plaintiff,)	No. _____
)	
v.)	Complaint for Damages
)	
QualiCenters Inland Northwest, LLC)	
d/b/a FMC Columbia Basin, d/b/a)	
Fresenius Kidney Care,)	
Defendant.)	

1. Being the victim of unlawful employment practices regarding mandatory overtime, Jaime Elaine Bailey brings this lawsuit against her former emplcyer for actual damages, reasonable attorneys' fees and costs of suit, and other appropriate relief.

JURISDICTION AND VENUE

2. The Superior Court has original jurisdiction in this case because the value of the claims asserted by Plaintiff amounts to more than three hundred dollars (\$300).

Complaint for Damages - 1	Pechtel Law PLLC
	Adam R. Pechtel
	21 N Cascade St
	Kennewick, WA 99336-3853
	(509) 586-3091

1 3. Benton County Superior Court is the proper venue for this cause of action
2 because Defendant QualiCenters Inland Northwest, LLC has an office and
3 transacts business in Benton County, Washington, and is, therefore, a
4 resident of Benton County.

5 4. Venue is also proper because Benton County is where the cause of action
6 arose.

7 **STATEMENT OF FACTS**

8 5. **Plaintiff Jamie Elaine Bailey (“Plaintiff”)** is a natural person residing
9 in Umatilla, Oregon.

10 6. **Defendant QualiCenters Inland Northwest, LLC (“Defendant”)** is a
11 foreign limited liability company duly organized under the laws of the
12 State of Colorado.

13 7. On information and belief, Defendant is a wholly owned subsidiary of
14 National Medical Care, Inc. and QualiCenters, Inc.

15 8. Defendant operates a facility in Kennewick, Washington under the
16 tradenames “Fresenius Kidney Care” and “FMC Columbia Basin.”

17 9. Defendant’s business is the treatment of renal disease.

18 10. Plaintiff is a Registered Nurse and has been duly licensed as such
19 under the laws of the State of Washington since February 2005.
20
21

Complaint for Damages - 2

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1 11. Defendant employed Plaintiff at its Kennewick, Washington facility
2 from March 9, 2020, to September 28, 2022, as a Dialysis Registered
3 Nurse.

4 12. Defendant paid Plaintiff on an hourly basis.

5 13. Defendant paid Plaintiff an initial pay rate of \$40.00 per hour,
6 which regularly increased over the course of her employment to a final
7 pay rate of \$48.45 per hour at the time of her separation from
8 employment.

9 14. Defendant used a bi-weekly (every two weeks) *pay period* and
10 *payment interval* for the payment of Plaintiff's wages, with a *payday*
11 occurring every other Friday, as those terms are defined in WAC 296-
12 126-023.

13 15. Defendant's pay periods began on a Sunday and ended fourteen
14 days later on a Saturday, with the corresponding payday occurring the
15 following Friday.

16 16. Plaintiff was entitled to overtime for any hours worked in excess of
17 40 hours per week.

18 17. Defendant originally scheduled Plaintiff to work three 12-hour
19 shifts and one 12-hour on-call shift per week, block-scheduled over a
20 two-week period so that Plaintiff worked six to eight days consecutively
21 and had six to eight consecutive days off work.

Complaint for Damages - 3

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1 18. During 2021, Defendant failed to maintain proper staffing levels
2 and frequently requested Plaintiff work additional hours to make up
3 staffing shortages.

4 19. During 2021, Plaintiff worked more than her scheduled 72 hours
5 per two weeks, 77% of the pay periods.

6 20. During 2021, Plaintiff worked more than 84 hours per two weeks,
7 about 38% of the pay periods.

8 21. During 2021, Defendant periodically offered Plaintiff bonuses as an
9 incentive to work additional shifts.

10 22. About the first quarter of 2022, Nicole Sattler became Defendant's
11 Operation Manager.

12 23. Ms. Sattler announced during a staff meeting that bonuses would
13 no longer be paid and that overtime and additional on-call shifts would
14 be mandatory due to staffing shortages.

15 24. After Ms. Sattler's announcement, Defendant scheduled Plaintiff to
16 work four 12-hour shifts and two 12-hour on-call shifts per week, block-
17 scheduled over a two-week period so that Plaintiff worked eight to ten
18 days consecutively and only had as few as four consecutive days off work
19 every two weeks.

20 25. Plaintiff expressed her disagreement with the schedule changes,
21 but Defendant did not change the schedule.

Complaint for Damages - 4

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1 26. Plaintiff exercised her legal right to refuse the additional on-call
2 shifts and overtime.

3 27. Plaintiff reasonably believed Defendant’s scheduling practices
4 amounted to employer misconduct.

5 28. Plaintiff contacted the human resources department and reported
6 the scheduling practices in what she thought was a confidential
7 discussion.

8 29. Defendant’s human resources representative, Kristian Johnson,
9 sent an SMS text message to Plaintiff informing her that Defendant’s
10 operation team had been informed of her complaint regarding the
11 scheduling practices and that the legal team had confirmed that
12 Defendant was in compliance.

13 30. September 4, 2022, to September 21, 2022, Plaintiff took approved
14 paid vacation.

15 31. After returning from vacation, Defendant again scheduled Plaintiff
16 for four 12-hour shifts and two 12-hour on-call shifts per week but
17 removed the block-scheduling benefit, giving Plaintiff only single days off.

18 32. Plaintiff once again exercised her legal right to refuse the excess
19 overtime and on-call shifts.

20
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Complaint for Damages - 5

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33. Plaintiff emailed Defendant a message resigning her position as full-time lead Registered Nurse due to the ongoing scheduling issues and requested to work on a per diem basis.

34. Defendant accepted Plaintiff's email as resignation from her full-time position but did not respond to Plaintiff's request to work on a per diem basis.

STATEMENT OF CLAIMS

CLAIM I: VIOLATION OF THE HEALTH CARE EMPLOYEES MANDATORY OVERTIME PROHIBITION ACT (RCW 49.28.140)

35. Plaintiff incorporates paragraphs 1 through 34 by reference and alleges the same again.

36. Defendants is health care facility which employed Plaintiff.

37. As such, Defendant owed Plaintiff a duty to not require, compel or force her to work more than forty-hours per week. Defendant also owed Plaintiff a duty to not schedule mandatory on-call time in lieu of scheduling employees for regularly scheduled shifts.

38. Defendant breached its duty to Plaintiff by scheduling her for more than forty-hours per week and telling her that it was mandatory and by scheduling her for mandatory on-call time in lieu of scheduling employees for regularly scheduled shifts.

Complaint for Damages - 6

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39. Defendant’s breach caused Plaintiff damage, including but not limited to, denial of Plaintiff’s request to transition to per diem employment and Plaintiff’s resignation from employment.

CLAIM II: CONSTRUCTIVE DISCHARGE IN VIOLATION OF PUBLIC POLICY.

40. Plaintiff incorporates paragraphs 1 through 34 by reference and alleges the same again.

41. Plaintiff exercised her legal right or privilege to refuse extra on-call shifts and overtime.

42. Defendant’s ongoing attempts to schedule Plaintiff for prohibited mandatory overtime and on-call shifts created a hostile and intolerable work environment.

43. Plaintiff’s decision to resign is consistent with how any reasonable person would likely have responded to similarly intolerable work conditions.

44. Plaintiff resigned solely because of the ongoing scheduling issues.

45. Plaintiff suffered damage as a result of being constructively discharged from her position.

REQUEST FOR RELIEF

Wherefore, the plaintiff requests the following relief:

Complaint for Damages - 7

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46. Actual damages caused by Defendant's denial of Plaintiff's request to transition to per diem employment and subsequent constructive discharge of Plaintiff, including damages for back pay, front pay, and emotional harm in an amount to be determined at trial;

47. Prejudgment interest on back pay;

48. Reasonable attorneys' fees and costs of suit pursuant to RCW
49.48.030;

49. Such other and further relief as deemed just, lawful, and equitable by the Court.

Dated this 1 of May 2023.

Adam R Pechtel

Adam R. Pechtel
Attorney for Plaintiff
WSBA #43743

Complaint for Damages - 8

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JOSIE DELVIN
BENTON COUNTY CLERK

MAY 17 2023



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FILED

In the Superior Court of the State of Washington
In and For Benton County

Jamie Elaine Bailey,
Plaintiff,

No.

v.

Summons [20 days]

QualiCenters Inland Northwest, LLC)
d/b/a FMC Columbia Basin, d/b/a)
Fresenius Kidney Care,)
Defendant(s).

SUMMONS

TO THE DEFENDANT: A lawsuit has been started against you in the above-entitled court by Jamie Elaine Bailey, plaintiff. Plaintiff's claim is stated in the written complaint, a copy of which is served upon you with this summons.

In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing, and by serving a copy upon the person signing this summons within 20 days after the service of this summons, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where plaintiff is entitled to what she

SUMMONS - 1

PECHTEL LAW PLLC
Adam R. Pechtel
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Kennewick, WA 99336
(509) 586-3091

1 asks for because you have not responded. If you serve a notice of appearance
2 on the undersigned person, you are entitled to notice before a default judgment
3 may be entered.

4 You may demand that the plaintiff file this lawsuit with the court. If you
5 do so, the demand must be in writing and must be served upon the person
6 signing this summons. Within 14 days after you serve the demand, the plaintiff
7 must file this lawsuit with the court, or the service on you of this summons
8 and complaint will be void.

9
10 If you wish to seek the advice of an attorney in this matter, you should
11 do so promptly so that your written response, if any, may be served on time.

12 This summons is issued pursuant to rule 4 of the Superior Court Civil
13 Rules of the State of Washington.

14
15
16 

17 Adam R. Pechtel
18 Plaintiff's Attorney
19 WSBA #43743
20 21 N Cascade St
21 Kennewick, WA 99336
22 Dated: May 3, 2023
23 (509) 586-3091
24
25

SUMMONS - 2

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